

105TH CONGRESS  
2D SESSION

# H. R. 3680

To amend the Elementary and Secondary Education Act of 1965 to establish a program to help children and youth learn English, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 1998

Mr. RIGGS introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend the Elementary and Secondary Education Act of 1965 to establish a program to help children and youth learn English, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. ENGLISH LANGUAGE EDUCATION.**

4       Part A of title VII of the Elementary and Secondary  
5       Education Act of 1965 (20 U.S.C. 7401 et seq.) is amend-  
6       ed to read as follows:

7       **“PART A—ENGLISH LANGUAGE EDUCATION**

8       **“SEC. 7101. SHORT TITLE.**

9       “‘This part may be cited as the “English Language  
10      Fluency Act”’.

1 **“SEC. 7102. FINDINGS AND PURPOSE.**

2 “(a) FINDINGS.—The Congress finds as follows:

3 “(1) English is the common language of the  
4 United States and it is imperative that every citizen  
5 and other person residing in the United States have  
6 a command of the English language in order to de-  
7 velop to their full potential.

8 “(2) States and local school districts need as-  
9 sistance in developing the capacity to provide pro-  
10 grams of instruction that offer and provide an equal  
11 educational opportunity to immigrant children and  
12 youth and children and youth who need special as-  
13 sistance because English is not their dominant lan-  
14 guage.

15 “(b) PURPOSE.—The purposes of this part are—

16 “(1) to help ensure that children and youth who  
17 are English language learners master English and  
18 develop high levels of academic attainment in  
19 English; and

20 “(2) to assist eligible local educational agencies  
21 that experience unexpectedly large increases in their  
22 student population due to immigration to help immi-  
23 grant children and youth with their transition into  
24 society, including mastery of the English language.

1 **“SEC. 7103. PARENTAL NOTIFICATION AND CONSENT TO**  
2 **PARTICIPATE.**

3 “(a) IN GENERAL.—A parent or the parents of a  
4 child participating in an English language instruction pro-  
5 gram assisted under this part shall be informed of—

6 “(1) the reasons for the identification of the  
7 child as being in need of English language instruc-  
8 tion;

9 “(2) the child’s level of English proficiency, how  
10 such level was assessed, and the status of the child’s  
11 academic achievement; and

12 “(3) how the English language instruction pro-  
13 gram will specifically help the child acquire English  
14 and meet age-appropriate standards for grade-pro-  
15 motion and graduation.

16 “(b) PARENTAL CONSENT.—

17 “(1) IN GENERAL.—A parent or the parents of  
18 a child identified for participation in an English lan-  
19 guage instruction program using their native lan-  
20 guage in instruction and assisted under this part—

21 “(A) shall sign a form consenting to their  
22 child’s placement in such a program prior to  
23 such time as their child is enrolled in the pro-  
24 gram; and

25 “(B) shall have their child removed from  
26 such program upon their request.

1           “(2) EFFECT OF LAU DECISION.—A local edu-  
2           cational agency shall not be relieved of any of its ob-  
3           ligations under the holding in the Supreme Court  
4           case of Lau v. Nichols (414 U.S. 563) because any  
5           parent chooses not to enroll their child in an English  
6           language instruction program using their native lan-  
7           guage in instruction.

8           “(c) RECEIPT OF INFORMATION.—A parent or the  
9           parents of a child identified for participation in an English  
10          language instruction program assisted under this part  
11          shall receive, in a manner and form understandable to the  
12          parent or parents, the information required by this sec-  
13          tion. At a minimum, the parent or parents shall receive—

14               “(1) timely information about programs funded  
15          under this part; and

16               “(2) if a parent of a participating child so de-  
17          sires, notice of opportunities for regular meetings for  
18          the purpose of formulating and responding to rec-  
19          ommendations from such parents.

20          “(d) SPECIAL RULE.—An individual may not be ad-  
21          mitted to, or excluded from, any federally assisted edu-  
22          cation program solely on the basis of a surname, language-  
23          minority status, or national origin.

1           **“Subpart 1—Grants for English Language**  
2                                   **Acquisition**

3           **“CHAPTER 1—GENERAL PROVISIONS**

4   **“SEC. 7111. FUNDING.**

5           “(a) AUTHORIZATION OF APPROPRIATIONS.—For the  
6 purpose of carrying out this subpart, there are authorized  
7 to be appropriated such sums as may be necessary for fis-  
8 cal year 1999 and each of the 4 succeeding fiscal years.

9           “(b) RESERVATION FOR ENTITIES SERVING NATIVE  
10 AMERICANS AND ALASKA NATIVES.—From the sums ap-  
11 propriated under subsection (a) for any fiscal year, the  
12 Secretary shall reserve not less than .5 percent to provide  
13 Federal financial assistance under this subpart to entities  
14 that are considered to be a local educational agency under  
15 section 7112(a).

16   **“SEC. 7112. NATIVE AMERICAN AND ALASKA NATIVE CHIL-**  
17                                   **DREN IN SCHOOL.**

18           “(a) ELIGIBLE ENTITIES.—For the purpose of carry-  
19 ing out programs under this subpart for individuals served  
20 by elementary, secondary, and postsecondary schools oper-  
21 ated predominately for Native American or Alaska Native  
22 children and youth, the following shall be considered to  
23 be a local educational agency:

24                   “(1) An Indian tribe.

25                   “(2) A tribally sanctioned educational author-  
26           ity.

1           “(3) A Native Hawaiian or Native American  
2       Pacific Islander native language educational organi-  
3       zation.

4           “(4) An elementary or secondary school that is  
5       operated or funded by the Bureau of Indian Affairs,  
6       or a consortium of such schools.

7           “(5) An elementary or secondary school oper-  
8       ated under a contract or grant with the Bureau of  
9       Indian Affairs, in consortium with another such  
10      school or a tribal or community organization.

11          “(6) An elementary or secondary school oper-  
12      ated by the Bureau of Indian Affairs and an institu-  
13      tion of higher education, in consortium with an ele-  
14      mentary or secondary school operated under a con-  
15      tract or grant with the Bureau of Indian Affairs or  
16      a tribal or community organization.

17      “(b) SUBMISSION OF APPLICATIONS FOR ASSIST-  
18   ANCE.—Notwithstanding any other provision of this sub-  
19   part, an entity that is considered to be a local educational  
20   agency under subsection (a), and that desires to submit  
21   an application for Federal financial assistance under this  
22   subpart, shall submit the application to the Secretary. In  
23   all other respects, such an entity shall be eligible for a  
24   grant under this subpart on the same basis as any other  
25   local educational agency.

1       **“CHAPTER 2—GRANTS FOR ENGLISH**  
2               **LANGUAGE ACQUISITION**

3       **“SEC. 7121. FORMULA GRANTS TO STATES.**

4           “(a) IN GENERAL.—In the case of each State that  
5 in accordance with section 7122 submits to the Secretary  
6 an application for a fiscal year, the Secretary shall make  
7 a grant for the year to the State for the purposes specified  
8 in subsection (b). The grant shall consist of the allotment  
9 determined for the State under section 7124.

10          “(b) PURPOSES OF GRANTS.—

11               “(1) REQUIRED EXPENDITURES.—The Sec-  
12 retary may make a grant under subsection (a) only  
13 if the State involved agrees that the State will ex-  
14 pend at least 90 percent of the amount of the funds  
15 provided under the grant for the purpose of making  
16 subgrants to eligible entities to provide assistance to  
17 children and youth who are English language learn-  
18 ers and immigrant children and youth in accordance  
19 with section 7123.

20               “(2) AUTHORIZED EXPENDITURES.—Subject to  
21 paragraph (3), a State that receives a grant under  
22 subsection (a) may expend not more than 10 percent  
23 of the amount of the funds provided under the grant  
24 for one or more of the following purposes:

1           “(A) Professional development and activi-  
 2           ties that assist personnel in meeting State and  
 3           local certification requirements for English lan-  
 4           guage instruction.

5           “(B) Planning, administration, and inter-  
 6           agency coordination related to the subgrants re-  
 7           ferred to in paragraph (1).

8           “(C) Providing technical assistance and  
 9           other forms of assistance to local educational  
 10          agencies that—

11               “(i) educate children and youth who  
 12               are English language learners and immi-  
 13               grant children and youth; and

14               “(ii) are not receiving a subgrant  
 15               from a State under this chapter.

16          “(3) LIMITATION ON ADMINISTRATIVE COSTS.—  
 17          In carrying out paragraph (2), a State that receives  
 18          a grant under subsection (a) may expend not more  
 19          than 2 percent of the amount of the funds provided  
 20          under the grant for the purposes described in para-  
 21          graph (2)(B).

22   **“SEC. 7122. APPLICATIONS BY STATES.**

23          “For purposes of section 7121, an application sub-  
 24          mitted by a State for a grant under such section for a



1 fiscal year is in accordance with this section if the applica-  
2 tion—

3 “(1) describes the process that the State will  
4 use in making subgrants to eligible entities under  
5 this chapter;

6 “(2) contains an agreement that the State an-  
7 nually will submit to the Secretary a summary re-  
8 port, describing the State’s use of the funds pro-  
9 vided under the grant;

10 “(3) contains an agreement that the State will  
11 give special consideration to applications for a  
12 subgrant under section 7123 from eligible entities  
13 that describe a program that—

14 “(A)(i) enrolls a large percentage or large  
15 number of children and youth who are English  
16 language learners and immigrant children and  
17 youth; and

18 “(ii) addresses a need brought about  
19 through a significant increase, as compared to  
20 the previous 2 years, in the percentage or num-  
21 ber of children and youth who are English lan-  
22 guage learners in a school or school district, in-  
23 cluding schools and school districts in areas  
24 with low concentrations of such children and  
25 youth; or

1           “(B) on the day preceding the date of the  
2           enactment of this section, was receiving funding  
3           under a grant—

4                   “(i) awarded by the Secretary under  
5                   subpart 1 or 3 of part A of the Bilingual  
6                   Education Act (as such Act was in effect  
7                   on such day); and

8                   “(ii) that was not due to expire before  
9                   a period of one year or more had elapsed;

10           “(4) contains an agreement that, in carrying  
11           out this chapter, the State will address the needs of  
12           school systems of all sizes and geographic areas, in-  
13           cluding rural and urban schools;

14           “(5) contains an agreement that the State will  
15           coordinate its programs and activities under this  
16           chapter with its other programs and activities under  
17           this Act and other Acts, as appropriate; and

18           “(6) contains an agreement that the State will  
19           monitor the progress of students enrolled in pro-  
20           grams and activities receiving assistance under this  
21           chapter in attaining English proficiency and with-  
22           draw funding from such programs and activities in  
23           cases where—

1           “(A) students enrolling when they are in  
2           kindergarten are not mastering the English lan-  
3           guage by the end of the first grade; and

4           “(B) other students are not mastering the  
5           English language after 2 academic years of en-  
6           rollment.

7   **“SEC. 7123. SUBGRANTS TO ELIGIBLE ENTITIES.**

8           “(a) PURPOSES OF SUBGRANTS.—A State may make  
9   a subgrant to an eligible entity of funds received by the  
10   State under this chapter only if the entity agrees to ex-  
11   pend the funds for one of the following purposes:

12           “(1) Developing and implementing new English  
13   language instructional programs for children and  
14   youth who are English language learners, including  
15   programs of early childhood education and kinder-  
16   garten through 12th grade education.

17           “(2) Carrying out locally designed projects to  
18   expand or enhance existing English language in-  
19   struction programs for children and youth who are  
20   English language learners.

21           “(3) Assisting a local educational agency in  
22   providing enhanced instructional opportunities for  
23   immigrant children and youth.

24           “(b) AUTHORIZED SUBGRANTEE ACTIVITIES.—A  
25   State may make a subgrant to an eligible entity from

1 funds received by the State under this chapter in order  
2 that the eligible entity may achieve one of the purposes  
3 described in subsection (a) by undertaking one or more  
4 of the following activities to improve the understanding,  
5 and use, of the English language, based on a child's learn-  
6 ing skills:

7           “(1) Developing and implementing comprehen-  
8           sive preschool or elementary or secondary school  
9           English language instructional programs that are co-  
10          ordinated with other relevant programs and services.

11          “(2) Providing training to classroom teachers,  
12          administrators, and other school or community-  
13          based organizational personnel to improve the in-  
14          struction and assessment of children and youth who  
15          are English language learners, immigrant children  
16          and youth, or both.

17          “(3) Improving the program for children and  
18          youth who are English language learners, immigrant  
19          children and youth, or both.

20          “(4) Providing for the acquisition or develop-  
21          ment of education technology or instructional mate-  
22          rials, access to and participation in electronic net-  
23          works for materials, providing training and commu-  
24          nications, and incorporation of such resources in

1       curricula and programs, such as those funded under  
2       this subpart.

3               “(5) Such other activities, related to the pur-  
4       pose of the subgrant, as the State may approve.

5       “(c) DURATION OF SUBGRANTS.—The duration of a  
6       subgrant made by a State under this section shall be de-  
7       termined by the State in its discretion.

8       “(d) APPLICATIONS BY ELIGIBLE ENTITIES.—

9               “(1) IN GENERAL.—To receive a subgrant from  
10       a State under this chapter, an eligible entity shall  
11       submit an application to the State at such time, in  
12       such form, and containing such information as the  
13       State may require.

14              “(2) REQUIRED DOCUMENTATION.—The appli-  
15       cation shall describe the programs and activities pro-  
16       posed to be developed, implemented, and adminis-  
17       tered under the subgrant and shall provide an assur-  
18       ance that the applicant will only employ teachers  
19       and other personnel for the proposed programs and  
20       activities who are proficient in English, including  
21       written and oral communication skills.

22              “(3) APPROVAL.—A State may approve an ap-  
23       plication submitted by an eligible entity for a  
24       subgrant under this chapter only if the State deter-  
25       mines that—

1           “(A) the eligible entity will use qualified  
2           personnel;

3           “(B) in designing the programs and activi-  
4           ties proposed in the application, the needs of  
5           children enrolled in any private elementary and  
6           secondary schools have been taken into account  
7           through consultation with appropriate private  
8           school officials;

9           “(C) the eligible entity has provided for the  
10          participation of children enrolled in any private  
11          elementary and secondary schools in the pro-  
12          grams and activities proposed in the application  
13          on a basis comparable to that provided for chil-  
14          dren enrolled in public school; and

15          “(D) the eligible entity has based its pro-  
16          posal on sound research and theory.

17          “(e) EVALUATION.—

18               “(1) IN GENERAL.—Each eligible entity that re-  
19               ceives a subgrant from a State under this chapter  
20               shall provide the State, at the conclusion of every  
21               second fiscal year during which the grant is received,  
22               with an evaluation, in a form prescribed by the  
23               State, of—

24                       “(A) the programs and activities conducted  
25                       by the entity with funds received under this

1 chapter during the two immediately preceding  
2 fiscal years; and

3 “(B) the progress made by students in  
4 learning the English language.

5 “(2) USE OF EVALUATION.—An evaluation pro-  
6 vided by an eligible entity under paragraph (1) shall  
7 be used by the entity and the State—

8 “(A) for improvement of programs and ac-  
9 tivities;

10 “(B) to determine the effectiveness of pro-  
11 grams and activities in assisting children and  
12 youth who are English language learners to  
13 master the English language; and

14 “(C) in determining whether or not to con-  
15 tinue funding for specific programs or projects.

16 “(3) EVALUATION COMPONENTS.—An evalua-  
17 tion provided by an eligible entity under paragraph  
18 (1) shall include—

19 “(A) an evaluation of whether students en-  
20 rolling in a program or activity conducted by  
21 the entity with funds received under this chap-  
22 ter—

23 “(i) are mastering the English lan-  
24 guage—

1                   “(I) by the end of the first grade,  
2                   in the case of students enrolling when  
3                   they are in kindergarten; or

4                   “(II) by the end of their second  
5                   academic year of enrollment, in the  
6                   case of other students; and

7                   “(ii) are successfully completing class-  
8                   es in other core academic subjects in  
9                   English; and

10                  “(B) such other information as the State  
11                  may require.

12   **“SEC. 7124. DETERMINATION OF AMOUNT OF ALLOTMENT.**

13                  “(a) IN GENERAL.—Except as provided in sub-  
14   sections (b) and (c), from the sum available for the pur-  
15   pose of making grants to States under this chapter for  
16   any fiscal year, the Secretary shall allot to each State an  
17   amount which bears the same ratio to such sum as the  
18   total number of children and youth who are English lan-  
19   guage learners and immigrant children and youth and who  
20   reside in the State bears to the total number of such chil-  
21   dren and youth residing in all States (excluding the Com-  
22   monwealth of Puerto Rico and the outlying areas) that,  
23   in accordance with section 7122, submit to the Secretary  
24   an application for the year.



1       “(b) PUERTO RICO.—From the sum available for the  
2 purpose of making grants to States under this chapter for  
3 any fiscal year, the Secretary shall allot to the Common-  
4 wealth of Puerto Rico an amount equal to 1.5 percent of  
5 the sums appropriated under section 7111(a).

6       “(c) OUTLYING AREAS.—

7           “(1) TOTAL AVAILABLE FOR ALLOTMENT.—  
8 From the sum available for the purpose of making  
9 grants to States under this chapter for any fiscal  
10 year, the Secretary shall allot to the outlying areas,  
11 in accordance with paragraph (2), a total amount  
12 equal to .5 percent of the sums appropriated under  
13 section 7111(a).

14           “(2) DETERMINATION OF INDIVIDUAL AREA  
15 AMOUNTS.—From the total amount determined  
16 under paragraph (1), the Secretary shall allot to  
17 each outlying area an amount which bears the same  
18 ratio to such amount as the total number of children  
19 and youth who are English language learners and  
20 immigrant children and youth and who reside in the  
21 outlying area bears to the total number of such chil-  
22 dren and youth residing in all outlying areas that,  
23 in accordance with section 7122, submit to the Sec-  
24 retary an application for the year.

1       “(d) POPULATION COUNTING.—The Secretary shall  
 2 determine when and how children and youth will be count-  
 3 ed for purposes of subsections (a) and (c).

4       **“SEC. 7125. CONSTRUCTION.**

5       “Nothing in this chapter shall be construed as requir-  
 6 ing a State or a local educational agency to establish or  
 7 continue a program of native language instruction.

8               **“Subpart 2—Research and Dissemination**

9       **“SEC. 7141. AUTHORITY.**

10       “The Secretary may conduct, through the Office of  
 11 Educational Research and Improvement, research for the  
 12 purpose of improving English language instruction for  
 13 children and youth who are English language learners and  
 14 immigrant children and youth. Activities under this sec-  
 15 tion shall be limited to research to identify successful mod-  
 16 els for teaching children English and distribution of re-  
 17 search results to States for dissemination to schools with  
 18 populations of students who are English language learn-  
 19 ers. Research conducted under this section may not focus  
 20 on any one method of instruction.”.

21       **SEC. 2. REPEAL OF EMERGENCY IMMIGRANT EDUCATION**  
 22               **PROGRAM.**

23       Part C of title VII of the Elementary and Secondary  
 24 Education Act of 1965 (20 U.S.C. 7541 et seq.) is re-  
 25 pealed.

1 **SEC. 3. ADMINISTRATION.**

2 Part D of title VII of the Elementary and Secondary  
3 Education Act of 1965 (20 U.S.C. 7571 et seq.) is redesignig-  
4 nated as part C of such title and amended to read as fol-  
5 lows:

6 **“PART C—ADMINISTRATION**

7 **“SEC. 7301. COORDINATION AND REPORTING REQUIRE-**  
8 **MENTS.**

9 “(a) COORDINATION AMONG STATES.—In order to  
10 maximize State and Federal efforts to serve the edu-  
11 cational needs of children and youth who are English lan-  
12 guage learners and immigrant children and youth, each  
13 State that receives a grant under this title shall coordinate  
14 its programs and activities under this title, to the maxi-  
15 mum extent practicable, with programs and activities of  
16 other such States.

17 “(b) REPORTS.—

18 “(1) STATES.—Based upon the evaluations pro-  
19 vided to a State under section 7123(e), each State  
20 receiving a grant under this title annually shall re-  
21 port to the Secretary of Education on programs and  
22 activities undertaken by the State under this title  
23 and the effectiveness of such programs and activities  
24 in improving the education provided to children and  
25 youth who are English language learners and immi-  
26 grant children and youth.

1           “(2) SECRETARY.—Every other year, the Sec-  
2       retary shall prepare and submit to the Committee on  
3       Education and the Workforce of the House of Rep-  
4       resentatives and the Committee on Labor and  
5       Human Resources of the Senate a report on pro-  
6       grams and activities undertaken by States under  
7       this title, including the coordination activities carried  
8       out under subsection (a), and the effectiveness of  
9       such programs and activities in improving the edu-  
10      cation provided to children and youth who are  
11      English language learners and immigrant children  
12      and youth.

13   **“SEC. 7302. COMMINGLING OF FUNDS.**

14       “(a) ESEA FUNDS.—A person who receives Federal  
15      funds under subpart 1 of part A may commingle such  
16      funds with other funds the person receives under this Act  
17      so long as the person satisfies the requirements of this  
18      Act.

19       “(b) STATE AND LOCAL FUNDS.—Except as provided  
20      in section 14503, a person who receives Federal funds  
21      under subpart 1 of part A may commingle such funds with  
22      funds the person receives under State or local law for the  
23      purpose of teaching English to children and youth who  
24      are English language learners and immigrant children and  
25      youth, to the extent permitted under such State or local

1 law, so long as the person satisfies the requirements of  
2 this title and such law.”.

3 **SEC. 4. GENERAL PROVISIONS.**

4 Part E of title VII of the Elementary and Secondary  
5 Education Act of 1965 (20 U.S.C. 7601 et seq.) is redesign-  
6 nated as part D of such title and amended to read as fol-  
7 lows:

8 **“PART D—GENERAL PROVISIONS**

9 **“SEC. 7401. DEFINITIONS.**

10 “For purposes of this title:

11 “(1) CHILDREN AND YOUTH.—The term ‘chil-  
12 dren and youth’ means individuals aged 3 through  
13 21.

14 “(2) COMMUNITY-BASED ORGANIZATION.—The  
15 term ‘community-based organization’ means a pri-  
16 vate nonprofit organization of demonstrated effec-  
17 tiveness or Indian tribe or tribally sanctioned edu-  
18 cational authority which is representative of a com-  
19 munity or significant segments of a community and  
20 which provides educational or related services to in-  
21 dividuals in the community. Such term includes a  
22 Native Hawaiian or Native American Pacific Is-  
23 lander native language educational organization.

24 “(3) ELIGIBLE ENTITY.—The term ‘eligible en-  
25 tity’ means—

1           “(A) one or more local educational agen-  
2           cies;

3           “(B) one or more local educational agen-  
4           cies in collaboration with—

5                   “(i) an institution of higher education;

6                   “(ii) a community-based organization;

7                   “(iii) a local educational agency; or

8                   “(iv) a State; or

9           “(C) a community-based organization or  
10          an institution of higher education which has an  
11          application approved by a local educational  
12          agency to enhance an early childhood education  
13          program or a family education program.

14          “(4) ENGLISH LANGUAGE LEARNER.—The term  
15          ‘English language learner’, when used with reference  
16          to an individual, means an individual—

17                   “(A) who—

18                           “(i) was not born in the United  
19                           States; or

20                           “(ii) comes from an environment  
21                           where a language other than English is  
22                           dominant and whose native language is a  
23                           language other than English; and

24                   “(B) who has sufficient difficulty speaking,  
25          reading, writing, or understanding the English

1 language that the difficulty may deny the indi-  
2 vidual the opportunity—

3 “(i) to learn successfully in a class-  
4 room where the language of instruction is  
5 English; or

6 “(ii) to participate fully in society.

7 “(5) IMMIGRANT CHILDREN AND YOUTH.—The  
8 term ‘immigrant children and youth’ means individ-  
9 uals who—

10 “(A) are aged 3 through 21;

11 “(B) were not born in any State; and

12 “(C) have not attended school in any State  
13 for more than three full academic years.

14 “(6) INDIAN TRIBE.—The term ‘Indian tribe’  
15 means any Indian tribe, band, nation, or other orga-  
16 nized group or community, including any Alaska Na-  
17 tive village or regional corporation as defined in or  
18 established pursuant to the Alaska Native Claims  
19 Settlement Act (43 U.S.C. 1601 et seq.), which is  
20 recognized as eligible for the special programs and  
21 services provided by the United States to Indians be-  
22 cause of their status as Indians.

23 “(7) NATIVE AMERICAN AND NATIVE AMERICAN  
24 LANGUAGE.—The terms ‘Native American’ and ‘Na-  
25 tive American language’ have the meaning given

1 such terms in section 103 of the Native American  
2 Languages Act (25 U.S.C. 2902).

3 “(8) NATIVE HAWAIIAN OR NATIVE AMERICAN  
4 PACIFIC ISLANDER NATIVE LANGUAGE EDUCATIONAL  
5 ORGANIZATION.—The term ‘Native Hawaiian or Na-  
6 tive American Pacific Islander native language edu-  
7 cational organization’ means a nonprofit organiza-  
8 tion—

9 (A) a majority of whose governing board,  
10 and a majority of whose employees, are fluent  
11 speakers of the traditional Native American  
12 languages used in the organization’s edu-  
13 cational programs; and

14 (B) that has not less than five years of  
15 successful experience in providing educational  
16 services in traditional Native American lan-  
17 guages.

18 “(9) NATIVE LANGUAGE.—The term ‘native  
19 language’, when used with reference to an individual  
20 who is an English language learner, means the lan-  
21 guage normally used by such individual.

22 “(10) OUTLYING AREA.—The term ‘outlying  
23 area’ means any of the following:

24 “(A) The Virgin Islands of the United  
25 States.



1 “(B) Guam.

2 “(C) American Samoa.

3 “(D) The Commonwealth of the Northern  
4 Mariana Islands.

5 “(11) STATE.—The term ‘State’ means any of  
6 the several States, the District of Columbia, the  
7 Commonwealth of Puerto Rico, or any outlying area.

8 “(12) TRIBALLY SANCTIONED EDUCATIONAL  
9 AUTHORITY.—The term ‘tribally sanctioned edu-  
10 cational authority’ means—

11 “(A) any department or division of edu-  
12 cation operating within the administrative  
13 structure of the duly constituted governing body  
14 of an Indian tribe; and

15 “(B) any nonprofit institution or organiza-  
16 tion that is—

17 “(i) chartered by the governing body  
18 of an Indian tribe to operate a school de-  
19 scribed in section 7112(a) or otherwise to  
20 oversee the delivery of educational services  
21 to members of the tribe; and

22 “(ii) approved by the Secretary for  
23 the purpose of carrying out programs  
24 under subpart 1 of part A for individuals

1 served by a school described in section  
2 7112(a).

3 **“SEC. 7402. LIMITATION ON FEDERAL REGULATIONS.**

4 “The Secretary shall issue regulations under this title  
5 only to the extent that such regulations are necessary to  
6 ensure compliance with the specific requirements of this  
7 title.

8 **“SEC. 7403. LEGAL AUTHORITY UNDER STATE LAW.**

9 “Nothing under this title shall be construed to negate  
10 or supersede the legal authority, under State law of any  
11 State agency, State entity, or State public official over  
12 programs that are under the jurisdiction of the agency,  
13 entity, or official.”.

14 **SEC. 5. CONFORMING AMENDMENTS.**

15 (a) TITLE HEADING.—The title heading of title VII  
16 of the Elementary and Secondary Education Act of 1965  
17 is amended to read as follows:

18 **“TITLE VII—ENGLISH LANGUAGE**  
19 **FLUENCY AND FOREIGN LAN-**  
20 **GUAGE ACQUISITION PRO-**  
21 **GRAMS”.**

22 (b) OTHER REFERENCES.—The Elementary and Sec-  
23 ondary Education Act of 1965 is amended—

24 (1) in section 2209(b)(1)(C)(iii) (20 U.S.C.  
25 6649(b)(1)(C)(iii)), by striking “Bilingual Education

1       Programs under part A of title VII.” and inserting  
2       “English language education programs under part A  
3       of title VII.”; and  
4       (2) in section 14307(b)(1)(E) (20 U.S.C.  
5       8857(b)(1)(E)), by striking “Subpart 1 of part A of  
6       title VII (bilingual education).” and inserting  
7       “Chapter 2 of subpart 1 of part A of title VII  
8       (English language education).”.

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